

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

AUG 15 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHARLES C. BIRKNER,
ELIAS GEORGE ELDAAHDAH,
and
DAVID FREDERICK MARTINEZ

Application 09/696,465

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on July 25, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

An examination of the Image File Wrapper (IFW) reveals that an Appeal Brief was filed on June 14, 2004. The Appeal Brief does not comply with section 1206(9) of the Manual of

Patent Examining Procedure (MPEP) (8th Ed., Rev. 2, May 2004), which states:

The copy of the claims required in the brief Appendix by 37 CFR 1.192(c)(9) should be a clean copy and should not include any markings such as brackets or underlining.

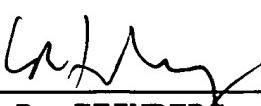
Accordingly, it is

ORDERED that the application is returned to the Examiner:

1. for notification to appellants to submit a Supplemental Appeal Brief which includes a new Appendix to the Appeal Brief filed on June 14, 2004, or for the examiner to issue a Supplemental Examiner's Answer which contains a correct copy of claims 1, 11 and 12;
2. to have a copy of the Supplemental Appeal Brief or the Supplemental Examiner's Answer scanned into the record; and
3. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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CRF/psb

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